29/ 20100727190245001

विकास नियंत्रण नियमावली -भिवंडी-निजामपूर महानगरपालिका
महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६ चे कलम ३७ (२) अन्वये मंजूर फेरबदल

महाराष्ट्र शासन
नगर विकास विभाग
शासन निर्णय क्रमांक-टीपीएस-१२०७/१५९०/प्र.क्र.२३९/०८/नवि-१२
मंत्रालय,मुंबई- ४०० ०३२.
दिनांक :-२३ जुलै २०१०.

शासन निर्णय :- सोबतची अधिसुचना राज्य शासनाच्या साधारण राजपत्रात प्रसिध्द करण्यात यावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने,

(अशोक बा.पाटील)
कार्यासन अधिकारी.

प्रति,

१) आयुक्त,भिवंडी-निजामपूर शहर महानगरपालिका,भिवंडी,जि.ठाणे.

२) संचालक नगर रचना महाराष्ट्र राज्य-पुणे.

३) उपसंचालक, नगर रचना,कोकण विभाग,कोकण भवन,नवि-मुंबई.

४) उप सचिव, नगर रचना, नगर विकास विभाग,मंत्रालय,मुंबई

५) सहाय्यक संचालक नगर रचना,ठाणे शाखा, जि.ठाणे

६)व्यवस्थापक मध्यवर्ती शासकीय मुद्रणालय,चर्नीरोड,मुंबई.

(त्यांना विनंती करण्यात येते की, सोबतची अधिसुचना महाराष्ट्र शासनाचे साधारण राजपत्रात भाग-एक मध्ये प्रसिध्द करुन त्याच्या प्रत्येकी ५ प्रती या विभागास तसेच संचालक नगर रचना,पुणे, उप संचालक नगर रचना,कोकण विभाग ,नवि-मुंबई व सहाय्यक संचालक नगर रचना,ठाणे शाखा यांना पाठवाव्यात)

७) कक्ष अधिकारी (संगणक कक्ष) (नवि-२९) ,नगर विकास विभाग,मंत्रालय, मुंबई- ३२.
(त्यांना विंनती करण्यात येते की,सोबतची अधिसुचना विभागाच्या वेबसाईटवर प्रसिध्द करण्यात यावी)

८) निवडनस्ती (कार्यासन-१२)

GOVERNMENT OF MAHARASHTRA
Urban Development Department
Mantralaya Mumbai-400 032.
Date :- 23 July 2010.

NOTIFICATION

No. TPS/ 1207/1590/CR-239/08/UD-12:

Whereas the Development Control Regulations for Bhiwandi-Nizampur Municipal Corporation (hereinafter referred to as "the said regulation") have been sanctioned by the Government vide Urban Development Notification No.TPS/331/CR-45/99/UD-12, dated 30 March 2001, under section 31(1) of the Maharashtra Regional and Town Planning Act.1966 (hereinafter referred to as "the said Act") to come into force with effect from 1st May 2001. The excluded parts have been sanctioned by the Government vide Urban Development Department Notification No. TPS/1209/331/CR-45/99/UD-12, dt.8.7 2003 to come into force with effect from 14.8.2003.

And whereas, the Bhiwandi-Nijampur Municipal Corporation (hereinafter referred to as "said Corporation) is of the opinion that the provision of said regulation needs some modification so as to implement the said regulation effectively and therefore under its Resolution No. 128, dated 16th sept. 2006 resolved to initiate the proposal of modification under section 37(1) of the said Act. The said Corporation after following legal formalities laid down under section 37(1) of the said Act, has submitted the proposal of modification vide letter dt. 6/6/07 to Govt. for sanction;

And whereas, after making necessary enquiries and after consulting the Director of Town Planning Maharashtra State, Pune and completed all formalities laid down under section 37(1) of the said Act, the Govt. of maharashtra is of the opinion that the said proposal of modification is necessary in the public interest and should be sanctioned with some changes.

Now, therefore in exercise of the powers conferred by sub-section(2) of the section-37 of the said Act. and all other powers enabling it in that behalf, the Government of Maharashtra hereby --

a) Sanctions the said proposal of modification with some changes more specifically described in the schedule herewith.
b) Fixes the date of publication of this notification in the Government Gazette as the date of coming into force of the said modification.
c) Adds the above entry in the schedule of modification appended to the aforesaid Govt. Notification.

By order and in the name of Governor of Maharashtra.

(Ashok B. Patil)
Section Officer

Schedule of Modification

(Accompaniment to Notification No. TPS 1207/1590/CR-239/08/UD-12 dated 23 July, 2010.)

Sr. No.	D.C.R. No.	Existing Provision	Modification proposed by Municipal Corporation (BNMC)	Modification sanctioned by the govt. u/s 37(2) of M.R.T.P. Act
1	2	3	4	5
1)	6(4)	**Checking of Plinth or Plinth Columns upto Plinth level**-The owner through his licensed Surveyor, engineer, structural engineer or supervisor or his architect shall give notice in form of Appendix XII to the Commissioner, on completion of work upto plinth level to enable the Commissioner or ensure that the work conforms to the sanctioned plans.	**Checking of Plinth Columns upto Plinth level**-The owner through his licensed Surveyor engineer, structural engineer or supervisor or his architect shall give notice in form of Appendix XII to the Commissioner, on completion of work upto plinth level to enable the Commissioner or ensure that the work conforms to the sanctioned plans as well as in special case part completion of work or plinth beams.	**Proposed modification is rejected.**
2)	29(1)	**Side and rear open space in relation to the height of the building (1) Residential and Commercial Zones.** a) The open Spaces on all sides except the front side of a building shall be of a width not less than a one third of the height of that building above ground level the minimum 3.6 mt. for a Residential building and 4.5 mt. for a Commercial building.	**Side and rear open space in relation to the height of the building (1) Residential and Commercial Zones.** a) The open Spaces on all sides except the front side of a building shall be of a width not less than a one third of the height of that building above ground level the minimum 3.0 mt. for a Residential building and 4.5 mt. for a Commercial building.	**Sanctioned as proposed by Municipal Corporation (BNMC)**

<table>
<tr><th></th><th>2</th><th>3</th><th>4</th><th>5</th></tr>
<tr>
<td>[illegible]</td>
<td>29(2)(a)</td>
<td>The minimum width of the open space around each building for loom industry shall be 6mt.</td>
<td>The minimum width of the open space around building shall be as per table given below no. 7A

TABLE No. 7A
<table>
<tr><th>Sr. No</th><th>Plot Area</th><th>Minimum Margins (mt.)</th><th></th><th>Permissible</th><th></th></tr>
<tr><th></th><th></th><th>Road side</th><th>Other side</th><th>Floor</th><th>Hight in mt</th></tr>
<tr><td>1.</td><td>200-500</td><td>3.0</td><td>2.5</td><td>Ground floor</td><td>5.0</td></tr>
<tr><td>2.</td><td>500-1000</td><td>4.5</td><td>3.0</td><td>G+1</td><td>7.5</td></tr>
<tr><td>3.</td><td>1001-2500</td><td>6.0</td><td>4.5</td><td>G+2</td><td>11.0</td></tr>
<tr><td>4.</td><td>2501-5000</td><td>6.0</td><td>6.0</td><td>G+3</td><td>14.0</td></tr>
<tr><td>5.</td><td>5001 above</td><td>7.5</td><td>6.0</td><td>G+4</td><td>16.0</td></tr>
</table>
Note :- Margins from road for the plot fronting on National and State highway are as per Government Direction.</td>
<td>a) Minimum size of plot, minimum marginal open spaces to be left a plot minimum width of the plot shall be as given in TABLE No.7A,

TABLE No. 7A
<table>
<tr><th>Sr. No</th><th>Plot Area in sqm.</th><th>Minimum Margins (mt.)</th><th></th><th>Minimum width of plot (mt)</th></tr>
<tr><th></th><th></th><th>Front</th><th>Rear & side</th><th></th></tr>
<tr><td>1)</td><td>Upto 800</td><td>6</td><td>3</td><td>12</td></tr>
<tr><td>2)</td><td>801 to 1200</td><td>6</td><td>4</td><td>20</td></tr>
<tr><td>3)</td><td>1201 to 2500</td><td>6</td><td>5</td><td>25</td></tr>
<tr><td>4)</td><td>Above 2501</td><td>6</td><td>6</td><td>35</td></tr>
<tr><td></td><td></td><td></td><td></td><td></td></tr>
</table>
This provision shall be applicable only the building of height upto 16mt.</td>
</tr>
<tr>
<td>4)</td>
<td>29(3) Table No.8A</td>
<td>Front set back from Boundary Plots in gaothan smaller than 250 sq.mt. As mentioned in para 3A</td>
<td>Front set back from Boundary-Plot in gaothan as well as congested area shown in D.P. As mentioned in para 3A</td>
<td>Sanctioned as proposed by Municipal Corporation (BNMC)</td>
</tr>
</table>

28

1	2	3	4	5
5)	**34 Appendix IV Section 14**	DRs will be granted and DRCs issued only after the Reserved land is surrendered to the Corporation where it is Appropriate Authority, otherwise to the state Govt. as the case may be, free of cost and free from encumbrances after the owner or lessee has leveled the land to the surrounding ground level and after he has constructed a 1.5 mt. high compound wall with a gate at the cost of owner.	DRs will be granted and DRCs issued only after the Reserved land is surrendered to the Corporation where it is Appropriate Authority, otherwise to the state Govt. as the case may be, free of cost and free from encumbrances	**Proposed modification is rejected**
6)	**34 Appendix IV Section 13**	The FSI of the received plot shall be allowed to be exceeded by not more than 0.4 in respect of a DR available in respect of the reserved plot as in this Appendix and upto a further 0.4 in respect of DR available in respect of land surrendered for road widening or construction of new roads.	The FSI of the received plot shall be allowed to be exceeded by not more than 0.8 in respect of either DR available in respect of the reserved plot as in this Appendix or DR available in respect of land surrendered for road widening or construction of new roads.	**Sanctioned as proposed by Municipal Corporation (BNMC)**
7)	**58(5)**	**Discretionary power**-In conformity with the intent and spirit of these regulation. Planning Authority with prior approval of the Director of Town Planning may vi) In specific cases where a	**Discretionary power**-In conformity with the intent and spirit of these regulation. Commissioner may. vi) In specific cases where a clear demonstrable hardship is caused, the Commissioner may for reasons to be recorded in writing, by special permissions permit any of the dimensions prescribed by these regulation to be modified	**Sanctioned as proposed by Municipal Corporation (BNMC)**

		clear demonstrable hardship is caused, the Planning Authority may for reasons to be recorded in writing, by special permissions and in consultation with the Director of Town Planning permit and of the dimensions prescribed by these regulation to be modified except those relating to floor space index, unless otherwise permitted under these regulation, provided that the relaxation will not affect the health safety, fire safety, structural safety and public safety of the inhabitants of the building and the neighborhood, provided further that while granting permission as above, the planning authority may impose conditions regarding obligations of claim of compensation, payment of deposit and its forfeiture for non compliance and payment of premium amount.	except those relating to floor space index, unless otherwise permitted under these regulations, provided that the relaxation will not affect the health safety, fire safety, structural safety and public safety of the inhabitants of the building and the neighborhood, provided further that while granting permission as above, the planning authority may impose conditions regarding obligations of claim of compensation, payment of deposit and its forfeiture for non compliance and payment of premium amount.

1	2	3	4	5
3)	New Reg. No.61	No. provision.	Regulation for reconstruction of properties, Tenant Occupied/destroyed by fire/ Collapsed/ Demolished etc. a) These provisions shall be applicable to following proposal:- i) Reconstruction/Redevelopment schemes undertaken by the Corporation/Owner for the existing residential development. The FSI to be allowed for such proposal shall be FSI permissible under these regulation or the FSI consumed by the existing authorised building whichever is more. In addition to this 30% additional FSI shall be allowed as an incentive to the owner. ii) Reconstruction/Redevelopment of building destroyed by fire, collapsed, demolished etc. Reconstructed in whole or in part of a building (not being a building wholly occupied by warehousing user) on or before reference date as specified in i(b) below and which has ceased to exit inconsequence of accidental fire, natural collapse or demolition for the reason of the same having been declared unsafe by or under a lawful order of the commissioner (a) Redevelopment outside congested area shall be allowed with an FSI equivalent to that already utilized plus 50% of the permissible FSI or 2.00 whichever is more provided the total FSI of the new structure shall not exceed 3.00.	**Regulation for reconstruction dangerous or dilapidated properties. tenant occupied buildings, destroyed by fire/ collapsed/ demolished etc.** **(a) These provisions shall be applicable to following proposals:-** **(i) Reconstruction/ Redevelopment schemes undertaken by the Corporation/ Owners for the existing authorized residential development.** **The FSI to be allowed for such proposal shall be FSI permissible under these regulation or the FSI consumed by the existing authorized building whichever is more. In addition to this 15% additional FSI shall be allowed as an incentive to the owner.** **(ii) Reconstruction/Redevelopment of building destroyed by fire, collapsed, demolished, etc.** **Reconstruction in whole or in part of building (not being a building wholly occupied by warehousing user) on or before reference date as specified in 1(b) below and which has ceased to exist in consequence of accidental fire, natural collapse or demolished for the reason of the same having been declared unsafe by or under a lawful order of the Commissioner.**

		iii) Redevelopment within the congested area shall be allowed with an FSI equivalent to that already utilized plus 50% of the permissible FSI provided that total FSI of new structure shall not exceed 3.00 (b) The Committee Comprises of Commissioner (B.N.C.M.C.) Superintending Engineer, Public works Department Thane, Dy. Director, Town Planning, Konkan Division, shall be set up and the said committee shall decide the building which area dangerous and dilapidated.	**a) Redevelopment of tenant occupied building outside the congested area shall be allowed with F.S.I permissible+50% FSI of the area occupied by the tenants or 2.00 which ever is less.** **b) Redevelopment of tenant occupied building within the congested area shall be allowed with the FSI permissible+50% FSI of area occupied by the tenants or 3.00 whichever is less.** **iii) The Committee Comprising of Commissioner(B.N.M.C.) Superintending Engineer, Public works Department Thane, Dy. Director, Town Planning, Konkan Division, shall decide the building which are dangerous and dilapidated.**
		b) The reconstruction under (a) above shall be allowed only in respect of the building existing prior to the dates as mentioned below - **25June1976.** The date of coming into Force of the sanctioned Development Plan of Bhiwandi. — For the areas covered under the sanctioned Development Plan of Bhiwandi the Erstwhile Municipal Council limits. **16th August 1973.** The date of coming into Force of the sanctioned Regional Plan of Mumbai Metropolitan Region. — For the remaining area included in the Corporation limit.	**Clause (b) sanctioned as proposed by Municipal Corporation (BNMC)**

	2	3	4	5
			Note :- i) For the purpose of deciding authenticity of the structure if the approved plans of existing structure are not available, the Commissioner shall consider other evidence such as Assessment Record or City Survey Record or Sanad. ii) In cases where there are number of bldgs: On plot, in such cases, equivalent land component of the bldg. which is declared unsafe shall be worked out and incentive FSI shall be based on such land component. 2. Reconstruction of the new building on the plot should conform to the provision of the development plan and these regulation, Reconstruction on the said plot not so affected by the development plan is permissible. 3. The new building may be permitted to be reconstructed in purchase of an agreement to be executed on stamp paper by atleast 70% of the landlord/occupants (if any) in the original building, within the meaning of the Bombay Rents. Hotel and lodging House Rents Control Act. 1947 and such agreement shall make a provision for accommodation for the said landlords all occupants in the new building on agreed terms and a copy of such agreement shall be deposited with the Corporation before Commencement or undertaking reconstruction of the new building. 4. The carpet area of part or part of the new building intended to be used as office premises shall not exceed the carpet area of parts of the original building so used as office premises or for commercial use or 0.5 FSI whichever is more.	

1	2	3	4	5
			5. The New building shall be reconstructed in accordance with these Regulations and all other Regulations and orders as applicable from time to time. The Commissioner may exercise his powers under Regulation 58 for condonation of minor variations in respect such reconstruction. 6. The maximum area of a residential tenement in the reconstructed building shall not exceed 70 sq.mt. or such larger area as may be decided by the State Govt. in deserving cases. 7. The landlord/Occupants of the original building shall furnish a duly stamped undertaking that he/they shall allot to all the occupants in the original building accommodation in the new building in accordance with Regulation in this Appendix. 8. No Construction or reconstruction shall be permitted on set-back area or areas required for road-widening and such area shall be handed over to the Corporation. 9. Reconstruction of collapsed/ gutted/ demolished portions of building (provided such collapsed/gutted/demolished portion is not more than 25 percent of the whole building, excluding sanitary portions and common facilities, passages and usage's such as lift portion and lift wells, staircases etc.) will be permitted subject to these Regulation with the use of conventional material only except for repair to the aforesaid sanitary portion and common facilities which will be permitted in R.C.C. with existing FSI irrespective permissible FSI.	

(Ashok B. Patil)
Section Officer